

**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
CONSUMER SERVICES DIVISION**

IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Mortgage Broker Practices Act of Washington by:

NO. C-04-076-04-FO01

MANUFACTURED HOME MORTGAGE  
COMPANY, LLC AND EVAN M. WHITAKER,  
OWNER AND DESIGNATED BROKER  
Respondents.

FINAL ORDER

**I. DIRECTOR'S CONSIDERATION**

A. Default. This matter has come before the Director of the Department of Financial Institutions of the State of Washington (Director) pursuant to RCW 34.05.440(1). On July 29, 2004, the Director through her designee Consumer Services Division Director and Enforcement Chief Chuck Cross, entered a Statement of Charges and Notice of Intention to Enter an Order to REVOKE LICENSE AND PROHIBIT FROM PARTICIPATION IN THE MORTGAGE INDUSTRY (Statement of Charges). A copy of the Statement of Charges is attached and incorporated into this order by this reference. The Statement of Charges was accompanied by a cover letter dated July 29, 2004, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Manufactured Home Mortgage Company, LLC and Evan M. Whitaker, the Designated Broker and Owner. The Department of Financial Institutions of the State of Washington (Department) served the Statement of Charges, cover letter dated July 29, 2004, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Manufactured Home Mortgage Company, LLC and Evan M. Whitaker, the Designated Broker and Owner on Respondent Evan M. Whitaker by Federal Express on July 30, 2004. Neither Respondent Manufactured Home Mortgage Company, LLC nor Evan M. Whitaker

requested an adjudicative hearing within twenty calendar days after service was made as required by Departmental rule WAC 208-08-050.

B. Record Presented. The record presented to the Director for her review and for entry of a final decision included the Statement of Charges, cover letter dated July 29, 2004, Notice of Opportunity to Defend and Opportunity for Hearing, blank Applications for Adjudicative Hearing for Manufactured Home Mortgage Company, LLC and Evan M. Whitaker, the Designated Broker and Owner, and documentation of service.

C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the Director hereby adopts the Statement of Charges, which is attached hereto.

## II. FINAL ORDER

Based upon the foregoing, and the Director having considered the record and being otherwise fully advised, NOW, THEREFORE:

A. IT IS HEREBY ORDERED, That:

1. Respondent Manufactured Home Mortgage's license to conduct the business of a Mortgage Broker be revoked; and
2. Respondent Evan M. Whitaker be prohibited from participation in the conduct of the affairs of any licensed mortgage broker, in any manner, for a period of five (5) years;
3. Respondents maintain records in compliance with the Act and provide the Department with the location of the books, records and other information relating to Respondent Manufactured Home Mortgage's mortgage broker business, and the name, address and telephone number of the individual responsible for maintenance of such records in compliance with the Act .

B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition must be

1 filed in the Office of the Director of the Department of Financial Institutions by courier at 150 Israel Road  
2 SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia, Washington 98504-1200,  
3 within ten (10) days of service of the Final Order upon Respondents. The Petition for Reconsideration shall  
4 not stay the effectiveness of this order nor is a Petition for Reconsideration a prerequisite for seeking judicial  
5 review in this matter.

6 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date the  
7 petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written notice  
8 specifying the date by which it will act on a petition.

9 C. Stay of Order. The Director has determined not to consider a Petition to Stay the  
10 effectiveness of this order. Any such requests should be made in connection with a Petition for Judicial  
11 Review made under chapter 34.05 RCW and RCW 34.05.550.

12 D. Judicial Review. Respondents have the right to petition the superior court for judicial  
13 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing a  
14 Petition for Judicial Review, see RCW 34.050.510 and sections following.

15 E. Service. For purposes of filing a Petition for Reconsideration or a Petition for Judicial  
16 Review, service is effective upon deposit of this order in the U.S. mail, declaration of service attached hereto.

17 DATED this 22<sup>nd</sup> day of September, 2004.  
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20 STATE OF WASHINGTON  
21 DEPARTMENT OF FINANCIAL INSTITUTIONS

22 /s/  
23 Helen P. Howell  
24 Director